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Attorneys for Plaintiffs,  
Individually and on behalf of all others similarly situated

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

ARSENIO PELAYO,  
FRANCIS MANANKIL, and  
BRANDON BORELIZ  
individually and on behalf of all  
others similarly situated,

Plaintiffs,  
vs.

PLATINUM LIMOUSINE SERVICES,  
INC.,

KURT TSUNEYOSHI,

and

DOES 1 through 10,

Defendants.

CASE NO. 1:15-cv-023 DKW BMK

**COLLECTIVE ACTION**

CONCISE STATEMENT OF FACTS  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT;  
DECLARATION OF RICHARD L.  
HOLCOMB; DECLARATION OF  
ARSENIO PELAYO;  
DECLARATION OF FRANCIS  
MANANKIL; DECLARATION OF  
PAUL ARAKAKI; EXHIBITS "A"  
THROUGH "H"; CERTIFICATE OF  
SERVICE

JURY TRIAL REQUESTED

**CONCISE STATEMENT OF FACTS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56.1(a) of the Local Rules of Practice for the United States District Court for the District of Hawai'i, Plaintiffs hereby submit their separate concise statement of material facts in support of their Motion for Partial Summary Judgment, filed contemporaneously herewith.

No.	FACTS	EVIDENTIARY SUPPORT
1	Plaintiffs Pelayo and Manankil were employed by Defendant Platinum as limousine drivers.	Manankil Decl. ¶ 2; Pelayo Decl. ¶ 2; <i>see also</i> Exhs. C and E
2	Plaintiffs were paid by the hour.	Manankil Decl. ¶ 3; Pelayo Decl. ¶ 3; <i>see also</i> Exhs. D and F
3	Mr. Pelayo and Mr. Manankil were paid only at their regular rate of pay and not at their premium overtime rate for hours that exceeded 40 for each given workweek identified below.	Manankil Decl. ¶¶ 6-7; Pelayo Decl. ¶¶ 6-7; Exh. A ¶ 12 (Arakaki Decl., ¶ 13); <i>see also</i> Exhs. B, C, D, E and F; <i>compare</i> Exh. G
4	Mr. Pelayo's hourly rate of pay was \$10 per hour from May 16, 2012 until January 1, 2013.	Pelayo Decl. ¶ 3; Exh. D
5	Mr. Pelayo's hourly rate of pay was \$11 per hour from January 1, 2013 until February 16, 2013.	Pelayo Decl. ¶ 3; Exh. D
6	Mr. Pelayo's hourly rate of pay was \$12 per hour from February 16, 2013 until May 15, 2013.	Pelayo Decl. ¶ 3; Exh. D
7	Mr. Pelayo's hourly rate of pay was \$12.50 from May 16, 2013 and through the remainder of his employment with Platinum.	Pelayo Decl. ¶ 3; Exh. D
8	Mr. Manankil's hourly rate of pay was \$10 per hour from January 1, 2012 until April 1, 2012.	Manankil Decl. ¶ 3; Exh. F

9	Mr. Manankil's hourly rate of pay was \$11 per hour from April 1, 2012 until September 16, 2012.	Manankil Decl. ¶ 3; Exh. F
10	Mr. Manankil's hourly rate of pay was \$12 per hour from September 16, 2012 until March 1, 2013.	Manankil Decl. ¶ 3; Exh. F
11	Mr. Manankil's hourly rate of pay was \$13.50 per hour from March 1, 2013 through February 15, 2015.	Manankil Decl. ¶ 3; Exh. F
12	Mr. Pelayo worked at least 40.5 hours during the workweek of November 25 through December 1, 2012.	Exh. B; Exhs. C, pp. 12-13; D, pp. 1577-78
13	Mr. Pelayo worked at least 44.5 hours during the workweek of December 30, 2012 to January 8, 2013.	Exhs. B; C, pp. 14-15; D, pp. 1579-80
14	Mr. Pelayo worked at least 42.5 hours during the workweek of February 24 to March 2, 2013.	Exhs. B; C, pp. 17-19; D, p. 1583-84
15	Mr. Pelayo worked at least 41.5 hours during the workweek of March 3 to March 9, 2013.	Exhs. B; C, p. 19; D, p. 1584
16	Mr. Pelayo worked at least 47 hours during the workweek of March 17 to March 23, 2013.	Exhs. B; C, p. 20; D, p. 1585
17	Mr. Pelayo worked at least 44 hours during the workweek of March 31 to April 6, 2013.	Exhs. B; C, p. 21; D, pp. 1585-86
18	Mr. Pelayo worked at least 55 hours during the workweek of April 7 through April 13, 2013.	Exhs. B; C, p. 21; D, p. 1586
19	Mr. Pelayo worked at least 55 hours during the workweek of April 14 through April 20, 2013.	Exhs. B, C, p. 22; D, pp. 1586-87
20	Mr. Pelayo worked for at least 40.5 hours during the workweek of May 26 through June 1, 2013.	Exhs. B; C, pp. 24-25; D, pp. 1589-90
21	Mr. Pelayo worked for at least 46.5 hours during the workweek of June 30 through July 6, 2013.	Exhs. B; C, pp. 26-27; D, pp. 1591-92

22	Mr. Pelayo worked for at least 51.5 hours during the workweek of August 25, 2013 through August 31, 2013.	Exhs. B; C, pp. 30-32; D, p. 1595
23	Mr. Manankil worked for at least 42.5 hours during the workweek of June 10 through June 16, 2012.	Exhs. E, pp. 1672-73; F, pp. 1609-10
24	Mr. Manankil also worked at least an additional 7 hours on Saturday, June 16, 2012.	Exhs. F, H (Holcomb Decl., ¶ 10)
25	Mr. Manankil worked for at least 44.5 hours during the workweek of July 8 through July 14, 2012.	Exhs. E, p. 1674; F, p. 1611
26	Mr. Manankil worked for at least 54.5 hours during the workweek of July 15 through July 21, 2012.	Exhs. E, pp. 1674-75; F, p. 16-12; <i>see also</i> Exh. H
27	Mr. Manankil worked for at least 46 hours during the workweek of July 29 through August 4, 2012.	Exhs. E, p. 1676; F, pp. 1612-13
28	Mr. Manankil worked for at least 54 hours during the workweek of August 5 through August 11, 2012.	Exhs. E, pp. 1677-78; F, p. 1613
29	Mr. Manankil worked for at least 52 hours during the workweek of August 12 through August 18, 2012.	Exhs. E, pp. 1678-79; F, p. 1613-14
30	Mr. Manankil worked for at least 46 hours during the workweek of August 19 through August 25, 2012.	Exhs. E, p. 1679; F, p. 1614
31	Mr. Manankil worked for at least 48 hours during the workweek of August 26 through September 1, 2012.	Exhs. E, pp. 1679-81; F, pp. 1614-15
32	Mr. Manankil worked for at least 44.5 hours during the workweek of September 9 through September 15, 2012.	Exhs. E, pp. 1681-82; F, p. 1615
33	Mr. Manankil worked for at least 41 hours during the workweek of October 7 through October 13, 2012.	Exhs. E, pp. 1687-88; F, p. 1617
34	Mr. Manankil worked for at least 44.5 hours during the workweek of	Exhs. E, p. 1691; F, p. 1619

	November 4 through November 10, 2012.	
35	Mr. Manankil worked for at least 51.5 hours during the workweek of November 25 through December 1, 2012.	Exhs. E, p. 1693, 1683; F, pp. 1620-21
36	Mr. Manankil worked for at least 45 hours during the workweek of December 2 through December 8, 2012.	Exhs. E, p. 1683; F, p. 1621
37	Mr. Manankil worked for at least 45 hours during the workweek of December 9 through December 15, 2012.	Exhs. E, pp. 1683-84; F, p. 1621
38	Mr. Manankil worked for at least 49 hours during the workweek of December 16 through December 22, 2012.	Exhs. E, p. 1685; F, p. 1622
39	Mr. Manankil worked for at least 48 hours during the workweek of January 27 through February 2, 2013.	Exhs. E, pp. 1716, 1697; F, pp. 1624-25
40	Mr. Manankil worked for at least 41 hours during the workweek of February 10 through February 16, 2013.	Exhs. E, pp. 1697-98; F, p. 1625-26
41	Mr. Manankil worked for at least 46.5 hours during the workweek of March 31 through April 6, 2013.	Exhs. E, 1694; F, pp. 1628-29
42	Mr. Manankil worked for at least 47 hours during the workweek of April 7 through April 13, 2013.	Exhs. E, pp. 1694-95; F, p. 1629
43	Mr. Manankil worked for at least 46.5 hours during the workweek of April 14 through April 20, 2013.	Exhs. E, pp. 1695-96; F, pp. 1629-30
44	Mr. Manankil worked for at least 49.5 hours during the workweek of April 28 through May 4, 2013.	Exhs. E, pp. 1696, 1704; F, pp. 1630-31
45	Mr. Manankil worked for at least 42.5 hours during the workweek of July 7 through July 13, 2013.	Exhs. E, pp. 1702-03; F, p. 1635
46	Mr. Manankil worked for at least 43	Exhs. E, p. 1707; F, p. 1638

	hours during the workweek of September 1 through September 7, 2013.	
47	Mr. Manankil worked for at least 47 hours during the workweek of December 29, 2013 through January 4, 2014.	Exhs. E, pp. 1715, 1728; F, pp. 1645-46
48	Mr. Manankil worked for at least 48 hours during the workweek of March 16, 2014 through March 22, 2014.	Exhs. E, p. 1734; F, p. 1651
49	When overtime wages were paid, the payment of overtime wages is clearly indicated on the paystubs.	Manankil Decl. ¶ 13; Exh. G

DATED: Honolulu, Hawaii; October 9, 2015

*s/Richard L. Holcomb*

Richard L. Holcomb

Attorney for Plaintiff James